

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Liqin Sun) Group Art Unit: 1614
)
Serial No.: 10/648,026) Examiner: Zohreh, Vakili
)
Filed: August 26, 2003)
)
For: ACUPOINT PATCH)
)

DECLARATION OF JING TANG LIU UNDER 37 C.F.R. § 1.132

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. I, Jing Tang Liu, am President of 3T Herbtech Inc. 3T Herbtech Inc. is the owner of U.S. Patent Application No. 10/648,026 and also makes and markets the Oculax acupoint patch which is described in that application.

2. I have read the Office Action dated January 9, 2007 which was issued in connection with Application No. 10/648,026. I have also reviewed the document forwarded with this Office Action entitled "Oculax Acupoint Patch for Eye Relaxing." This document was downloaded from 3T Herbtech Inc.'s website.

3. On page 6 of the Office Action, the Patent Examiner asserts that "the website printout is reasonable evidence of commercial availability on sale of the instant invention more than one year before the disclosure as filed." The only date listed in this document which is more than one year before the priority date of Application No. 10/648,026 is the copyright date of 2000 which appears at the end of the document. This date, however, does not refer to the date of sale of the Oculax product, but to graphic and

other copyrightable elements of the web page. The following graphical elements on this page, for example, were created in 2000:



4. Other web pages of the www.3t-herb.com website which feature this graphical element likewise recite a copyright date of 2000. One such page is attached to this Declaration as Attachment 1.

5. Moreover, as President of 3T Herbtech Inc., I can attest that the Oculax product was not on sale in the United States more than one year before the priority date of Application No. 10/648,026.

I declare under penalty of perjury that the foregoing is true and correct, and that if called to testify thereto, I could and would so testify. All of the data provided and any statements made in this declaration are believed to be true. I further declare that I understand that willful false statements and the like are punishable by fine or imprisonment or both (18 U.S.A. § 1001) and may jeopardize the validity of the application or any patent issuing thereon.

Executed this 9 day of April, 2007, at San Gabriel, California.

A handwritten signature in black ink, appearing to read 'Jing Tang Liu', written over a horizontal line.

Jing Tang Liu



A-OX

Liver-One

Joint-One

Kidney-One

Panc-One

Ova-One

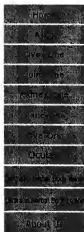
Dermato Herbal Body Wash

中文由此進

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Inventor
Dr. Sun, Li-Qin



Dr. Li-Qin Sun was the former director of the Chinese Medicine & Acupuncture Department of 301 Hospital and a professor. She was born in a family of Chinese medicine and became very interested in Chinese medicine when she was young. She has studied in a military university of medicine and Tianjin Chinese Medicine Institute. She is one of the first scholar engaged in research of immunology with Chinese medicine and acupuncture. She has published books such as <<Pathological Changes of Liver & Immunity>>, <<Clinical Research of Treatment of Liver Diseases with Chinese Medicine>> and <<Diagnosis and Treatment of Rheumatism>> as well as 138 clinical and lab theses. Twelve of the theses were published in Europe and won high opinions of medical experts. In the 1980s' she visited Europe many times for lectures, research and development of clinical treatment and lab research. She has also been invited to be the honorable director of Europe Rheumatism Research Institute.



Among all the diseases caused by immunity problems, she has conducted in-depth research on liver diseases, kidney diseases and rheumatism. She has already introduced over ten types of healthcare products in the USA and the most special ones include Liver-One, Kidney-One, Joint-One and A-OX. These products are very popular in clinical treatment and has opened a new era for treatment of liver diseases, kidney diseases and rheumatism.